

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Dunkel *et al.*

Appl. No.: 10/579,033

371(c) Date: January 22, 2007

For: **Silylated Carboxamides**

Confirmation No.: 4397

Art Unit: 1614

Examiner: Jennifer Y Cho

Atty. Docket: 2400.0330000/VLC/CMB

Reply to Restriction Requirement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated October 4, 2007, requesting an election of one invention to prosecute in the above-referenced patent application, Applicant hereby provisionally elects to prosecute the invention of Group II represented by claims 1-7. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

This election is made with traverse.

This application is a National Phase Entry Under 35 U.S.C. § 371 and, as such, PCT Rule 13 requiring unity of invention applies. Title 37 of the Code of Federal Regulations states:

(b) An international or a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combination of categories: . . .

(3) A product, a process specially adapted for the manufacture of the said product, and a use of the said product; . . .

37 C.F.R. § 1.475(b)(3).

The following example is also provided in Chapter 10 of the International

Search and Preliminary Examination Guidelines:

Claim 1: A method of manufacturing chemical substance X.
Claim 2: Substance X.
Claim 3: The use of substance X as an insecticide.

Unity exists between claims 1, 2 and 3. The special technical feature common to all the claims is substance X.

paragraph 10.21, Example 1.

Elected Group II contains claims drawn to specific compounds containing a pyrazole ring. Group X is drawn to a process of making the compounds of Group II. Groups XI and XII are drawn to methods of using the compounds of Group II. Groups II, X, XI and XII therefore share unity of invention because the special technical feature common to all the claims in the groups is the compounds of Group II. Groups II, X-XII should therefore be examined together.

Further, the inventions of Group II and Group VIII should be examined together because both groups are drawn to the same silylated carboxamide structure wherein the radical A is a substituted pyrazole. Applicants respectfully request that Groups II and VIII be examined together.

Even if the restriction between Groups II and VIII, and Groups X-XII were proper, Groups X-XII should be rejoined once the Examiner finds that Groups II and VIII are allowable. Under MPEP §821.04, where elected claims are found allowable, withdrawn claims that require all the limitations of an allowable claim will be rejoined


and fully examined for patentability. Rejoinder of Groups II and VIII, and Groups X-XII is respectfully requested.

Reconsideration and withdrawal of the Restriction Requirement, and consideration and allowance of all pending claims, are respectfully requested.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

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